

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 13, 2006

H029896 PICKERING v. PUHL

The judgment is affirmed. Each party shall bear its own costs on appeal. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 13, 2006

H029534 PEOPLE v. CLAYTON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 13, 2006

TUESDAY, NOVEMBER 14, 2006

H029502 PEOPLE v. PIMENTEL

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 14, 2006

The following case is submitted this date:

H030165 In re KATRINA B.; D.F.C.S. v. GLORIA B.

H028994 KATZ v. CAMPBELL UNION HIGH SCHOOL DISTRICT

The judgment is affirmed. Defendant shall have its costs on appeal. (published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 14, 2006

H029307 KATZ v. MOUNTAIN VIEW-WHISMAN SCHOOL DISTRICT

The judgment is reversed. The matter is remanded to the trial court with instructions to vacate that portion of its order of September 10, 2004, overruling defendant's demurrer to the second cause of action under Code of Civil Procedure section 860 et seq. The court shall enter a new order sustaining the demurrer to the second cause of action, without leave to amend, and shall enter judgment accordingly. Defendant shall have its costs on appeal. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 14, 2006

H028565 PEOPLE v. HARVEY et al.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 14, 2006

Sixth Appellate District

San Jose, California

Tuesday, November 14, 2006 (continued)

H028232 PEOPLE v. PERRUSO

The abstract of judgment is ordered modified by reducing both the restitution fine of \$2,800 under section 1202.4, subdivision (b), and the corresponding fine under section 1202.45, to \$2,000. As so modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; I concur: Duffy, J.; Dissenting opinion by Premo, Acting P.J.)

Filed November 14, 2006

H028370 PEOPLE v. LEON

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 14, 2006

H029966 PEOPLE v. VILLEGAS

The judgment is affirmed. The clerk of the superior court is directed to correct the abstract of judgment to reflect that defendant was sentenced as a person with one prior strike conviction, by striking the phrase "(two strikes)" from Paragraph 4 of the abstract of judgment. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Mihara, J.)

Filed November 14, 2006

WEDNESDAY, NOVEMBER 15, 2006

The following cases are submitted this date:

H030144 In re DELILAH R., et al.; D.F.C.S. v. JOHN R.

H030081 PEOPLE v. DAVID L.

H029683 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed November 15, 2006

Sixth Appellate District

San Jose, California

Wednesday, November 15, 2006 (continued)

H030523 GARCIA v. SUPERIOR COURT OF MONTEREY COUNTY; THE PEOPLE

Let a peremptory writ of mandate issue directing respondent court to modify its April 28, 2006 order in case No. SS041218A and its May 15, 2006 order in case No. SS041729A by vacating the provisions authorizing the involuntary administration of antipsychotic medication. This opinion is made final as to this court seven days from the date of filing. (Cal.Rules of Court, rule 24(b)(3).) The temporary stay order issued on August 17, 2006, shall remain in effect until finality of this opinion.

(not published)

(Premo, Acting P.J.; We concur: Elia, J., Duffy, J.)

Filed November 15, 2006

H028229 PEOPLE v. QUEZADA

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed November 15, 2006

H029902 In re JACOB A. et al.; DFCS v. JULIAN A., et al.

The order appealed from is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed November 15, 2006

H028656 COURT HOUSE PLAZA COMPANY v. MERCER PROCESSING, INC., et al.; COURT HOUSE PLAZA COMPANY v. CORNISH & CAREY COMMERCIAL

The judgment is modified to reflect a reduction of the attorney fees award to Mercer and Arco in the amount of \$5,783.38. As modified, the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed November 15, 2006

H030018 PEOPLE v. RATLIFF

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed November 15, 2006

H029276 FORTE v. LICHTENEGGER et al

The judgment is reversed. Forte is entitled to his costs on appeal. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed November 15, 2006

Sixth Appellate District

San Jose, California

THURSDAY, NOVEMBER 16, 2006

H028421 SASCO ELECTRIC, INC. v. KEYS

The order on the motion for attorney fees is reversed. (not published)

(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed November 16, 2006

H028221 SASCO ELECTRIC, INC. v. KEYS

The summary judgment is reversed. (not published)

(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed November 16, 2006

H030686 MARRIAGE OF WINTER AND DOKONAL

By the Court:

The order of the court filed on November 13, 2006, is modified as follows: Appellant's motion for relief from default for failure to pay filing fees considered a motion to set aside the dismissal order for failure to post filing fees filed October 20, 2006, is granted. The application for waiver of court fees and costs filed November 16, 2006, is granted only as to the filing fee on the notice of appeal filed on September 14, 2006.

It is further ordered that the order of the court filed on November 13, 2006, setting this matter for an in camera hearing as to appellant's application for waiver of court fees and costs is set aside and the matter is ordered off calendar.

The appeal is ordered restored to active status.

Dated: November 16, 2006

Rushing, P.J.

H029680 PEOPLE v. CASTRO

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed November 16, 2006

H028513 PEOPLE v. CARLIN

By the Court:

On the court's own motion, the submission order of September 5, 2006, is hereby vacated. The cause will be resubmitted upon completion of oral argument which is ordered to be set in January 2007 at a date and time to be determined.

Dated: November 16, 2006

Mihara, Acting P.J.

Sixth Appellate District

San Jose, California

FRIDAY, NOVEMBER 17, 2006

H029486 PEOPLE v. SOTO

The judgment is modified to stay execution of the sentence for counts 3,5, and 6, pending service of the sentence for counts 1,2,4, and 7, such stay to become permanent when service of the sentences for counts 1, 2, 4, and 7 is completed; as so modified, the judgment is affirmed (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 17, 2006

H029318 ASTRIN v. APPLE COMPUTER, INC.

The judgment is affirmed. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed November 17, 2006

The following case is submitted this date:

H022727 PEOPLE v. DOMINGUEZ

H029995 In re HAYDEN C.; MONTEREY DSS v. RANDALL C.

We affirm the juvenile court's assumption of dependency jurisdiction over Hayden, as reflected in its order of March 10, 2006; we reverse the court's dispositional findings and orders, made on the same date. We remand the matter to the juvenile court, and we order that court to conduct a new disposition hearing, with consideration to be given to less drastic alternatives to removal. (not published)

(McAdams, Acting P.J.; I concur: Duffy, J.; Concurring opinion by Mihara, J.)

Filed November 17, 2006

H029947 HALVERSON v. VALLONE et al., as Trustees, etc.

The order sustaining Dias and Vallone's objections and dismissing Halverson's petition for lack of standing is reversed. Dias and Vallone's motion for sanctions is denied. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed November 17, 2006

H030165 In re K.B.; DFCS v. GLORIA B.

The March 7, 2006 order of juvenile court is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed November 17, 2006

The following case is submitted this date:

H030196 PEOPLE v. HUNTER